



CALIFORNIA

Technician/AGR Administrative Instruction

National Guard Technicians - CAL NG Active Guard/Reserve

MILITARY DEPARTMENT

**P. O. BOX 269101
Sacramento, CA 95826-9101**

NUMBER

01-11

15 March 2001

CURRENT POLICY REGARDING ACTIVE GUARD RESERVE PERSONNEL & MILITARY TECHNICIANS IN SUPPORT OF EMERGENCY SITUATIONS IN STATE ACTIVE DUTY (SAD)

NO EXPIRATION DATE

The following policies pertain to the use of California National Guard Active Guard Reserve (AGR) personnel and Military Technicians in emergency situations:

1. AGR PERSONNEL (ARMY & AIR)

a. When the unit of assignment is activated, under the lawful orders of the Governor, AGR personnel may perform only tasks which are directly related to their military duty assignment. Requests for AGR personnel to perform duties not related to their assignment must be submitted to this Headquarters, ATTN: CAJS-HR-AGR. Any compensation paid by the state is the property of the United States and will be remitted to the servicing finance and accounting office.

b. When the unit of assignment has not been activated, AGR personnel may take leave to perform SAD missions and may retain state compensation for duty performed while in an official leave status.

c. If the member's unit is activated by the Governor while the member is performing SAD in a leave status, the leave will be terminated and the member will return to a duty status.

2. MILITARY TECHNICIAN PERSONNEL (ARMY & AIR)

a. Military Technicians should not be ordered to SAD when their duties fall within their position descriptions. If the Technician's services are required after completion of the normal workday or weekends, compensatory time is appropriate. Technicians working on a holiday are entitled to holiday pay.

b. Military Technicians not performing duties within their position description who are ordered to SAD during their regular work schedules must elect annual leave, leave without pay (LWOP), or compensatory leave. Law Enforcement Leave (LEL) is authorized without loss or reduction of leave

for the purpose of providing aid to enforce the law under 5 U.S.C. 6323 (c). Based on Congressional intent, the Statute includes situations where the Guard does not actually perform "law enforcement" duties while assisting authorities. Technicians serving under permanent or indefinite appointment are entitled to 22 workdays in a calendar year of LEL. While in an LEL status, pay for military service may not be less than the pay received as a Technician . State military pay and allowances received (other than travel, transportation, or per diem allowances) shall be credited against the technician's pay and, if less than the technician pay, the technician shall be paid the difference. If military pay exceeds technician pay, no technician pay will be made, nor will a refund of the excess will be required. Administrative leave is not authorized.

c. Technicians who are ordered to SAD that is performed in its entirety outside of their technician duty hours need not take leave or report earnings from that SAD to Technician Pay.

3. If you need additional information, technicians may contact Margie Rodriguez at CAGNET 63493, DSN 466-3493 or (916) 854-3493; AGR members may contact LTC Jan Griffis at CAGNET 63403, DSN 466-3403 or (916) 854-3403.

FOR THE ADHUTANT GENERAL:

JEFFREY D. STUARD
Colonel, CA ANG
Director for Human Resources

DISTRUBUTION:

ARMY: TA

AIR: TA